

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1920.

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## A BILL

To constitute a Commission to exercise and perform certain powers and duties now vested in the Secretary and Under Secretary for Lands; to amend the Crown Lands Acts, the Closer Settlement Acts, the Returned Soldiers Settlement Acts, and certain other Acts; and for purposes consequent thereon or incidental thereto.

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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 "Crown Lands (Administration) Act, 1920," and shall be construed with the Crown Lands Acts as hereinafter defined. Short title.

**2.** This Act shall come into operation on the day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_. Commencement.

**3.** This Act is divided into Parts as follows:— Division of Act.

PART I.—PRELIMINARY.

PART II.—THE LANDS ADMINISTRATION.

PART III.—SUPPLEMENTAL.

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## PART I.

### PRELIMINARY.

**4.** In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.

"Commissioner" means commissioner appointed under this Act.

"Crown Lands Acts" means the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and the Returned Soldiers Settlement Act, 1916, and any Acts amending any of those Acts, but does not include the Western Lands Acts.

"Department" means Department of Lands.

"Minister" means the Secretary for Lands.

"Prescribed" means prescribed by this Act or by any regulation made under it.

**5.**

**5.** The following matters, and no others, are for the purposes of this Act matters of policy :—

Matters of policy.

- (a) The withdrawal under the Crown Lands Acts from lease or license of Crown lands for purposes of settlement.
- (b) The reservation and dedication of Crown Lands in pursuance of the Crown Lands Acts, and the revocation of any such reservation or dedication.
- (c) The acquisition of land under the Closer Settlement Acts, or any Act amending the same.
- (d) The disposal of land by the Crown under the Crown Lands Acts by sale or lease, otherwise than—
  - (i) by annual lease ; or
  - (ii) under the Closer Settlement Acts or any Act amending the same ; or
  - (iii) under conditions of residence imposed by Statute.
- (e) The waiver or reversal of forfeitures under the Crown Lands Acts.
- (f) The extension of time for payment of instalments, rents, license, or other fees or moneys due to the Crown under the Crown Lands Acts.

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## PART II.

### THE LANDS ADMINISTRATION.

#### (1) *The Commissioners.*

**6.** (1) The Governor shall, as soon as practicable after the commencement of this Act, appoint three Commissioners, one of whom shall be Chief Commissioner.

Constitution of commission.

Such Commissioners shall be called the "Commissioners for Lands," and they shall have the powers and perform the duties conferred and imposed on them by this Act.

(2)

(2) On the occurrence of any vacancy in the office of a Commissioner the Governor shall forthwith appoint a person to the vacant office, whose term of office shall be for his predecessor's unexpired term of office.

**7.** Each Commissioner shall hold office for seven years from his appointment, but may be removed from office—

Tenure of office.

- (a) by the Governor, but only for misbehaviour or incapacity ; or
- (b) upon an address from both Houses of Parliament.

**8.** If any Commissioner is absent from his duties, the Governor may appoint a Deputy Commissioner, who, during such absence, shall have the powers and perform the duties of a Commissioner.

Deputy Commissioners.

**9.** The following annual salaries shall be paid to the Commissioners, namely—

Salaries.

- (a) to the Chief Commissioner, pounds ; and
- (b) to each of the other Commissioners, pounds.

Such salaries shall be paid out of the Consolidated Revenue Fund, and the amounts thereof are hereby especially appropriated.

**10.** Before acting each Commissioner shall take the prescribed oath ; and if he violates such oath he shall be guilty of a misdemeanour.

Oath by Commissioners.

(2) *The administrative powers and duties of the Commissioners.*

**11.** The Commissioners shall have the following administrative powers and duties :—

Powers and duties of Commissioners.

- (a) Except so far as authority is given by this Part to the Minister with respect to matters of policy, the Commissioners shall be the exclusive authority to administer the Crown Lands Acts and (save and except the Western Lands Acts) any other Acts or parts thereof, the administration of which is or may be by Statute, custom, or executive authority vested in the Minister, and

and to exercise any powers and perform any duties which by law the Minister or the Under Secretary for Lands is or may be by or under the said Acts authorised or directed to exercise or perform.

For the purposes aforesaid, references to the Minister in any such Acts or to the Minister or the Under Secretary for Lands in any regulations thereunder shall be deemed to be references to the Commissioners.

- (b) They shall, subject to the Public Service Acts, and any Acts amending the same, have sole control of the department, and of the officers, servants, and employees thereof.
- (c) They shall, as to any matter of policy, make a recommendation in writing to the Minister, and on receipt of his decision thereon shall carry the same into effect.

**12.** (1) The Governor may, by notification in the Gazette, on the recommendation of the Commissioners, declare that all administrative acts of a specified class performed by one Commissioner, and all documents and writings of a specified class authenticated or signed by one Commissioner, shall be of the same effect as if performed, authenticated, or signed by all the Commissioners, and may vary or revoke such declaration. Such declaration may state the Commissioner who may perform the act or authenticate or sign the document or writing.

Acts which may be done by one Commissioner.

Any such declaration when notified in the Gazette shall have the force of law.

(2) Upon any appeal or reference being made to the Land Appeal Court or upon any reference to a local land board by the Commissioners, such appeal or reference may be signed by any one of the Commissioners.

**13.** Any administrative act by the Commissioners in a matter in which any Commissioner who takes part therein is personally interested shall be void.

Administrative act void.

**14.** (1) The Commissioners shall from time to time inquire into and make reports to the Minister on the following matters:—

Inquiry and report by Commissioners.

- (a) The lands available for settlement, or which may be made so available.
- (b)

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- (b) The actual demand for land for bona fide settlement.
  - (c) The suitability for the following purposes of land held under improvement leases classified in the following order :—
    - (i) agricultural settlement ;
    - (ii) mixed farming ;
    - (iii) closer pastoral settlement ;and the desirability of making such land available for such purposes.
  - (d) The reforms considered necessary in the methods of departmental administration.
  - (e) The amendments considered necessary in the law regulating the disposal and administration of Crown lands.
  - (f) Such other matters as to which the Minister may call for a report.

(2) For the purposes of this section, a Commissioner, or any person having the written authority of a Commissioner, may enter on any land, whether Crown land or not, and inspect and examine the same and any improvements and buildings thereon.

(3) *The Minister.*

**15.** On the receipt of the recommendation of the Commissioners relating to a matter of policy, the Minister shall give his decision in writing thereon, and shall forward such decision to the Commissioners who shall carry the same into effect.

If such decision is in any respects contrary to the said recommendation, the Minister shall, except in the matter mentioned in section five, paragraph (f), state in writing his reasons for dissenting therefrom, and shall as soon as practicable lay the papers relating to the matter on the table of the Legislative Assembly.

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PART III.

SUPPLEMENTAL.

- 16.** (1) The Governor may make regulations— Regulations.
- (a) providing for the meetings of the Commissioners and the conduct of business thereat;
  - (b) fixing the quorum for the conduct of business generally or for the conduct of any specified class of business;
  - (c) providing for the issue and authentication of documents and writings;
  - (d) providing for other matters necessary for the effective conduct by the Commissioners of their duties and work under this Part;
  - (e) generally for carrying out the provisions of this Part.
- (2) Such regulations shall—
- (a) be published in the Gazette;
  - (b) take effect from the date of publication, or from such a later date to be specified in such regulations; and
  - (c) be laid before both Houses of Parliament within fourteen days after publication if Parliament be then in session, and if not, then within fourteen days after the commencement of the next session.

If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

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