

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

47

No. , 1919.

A BILL

To provide for the retirement of the present members of the Land Appeal Court, and for the reconstitution of the said court ; to amend the Crown Lands Consolidation Act, 1913 ; and for purposes consequent thereon or incidental thereto.

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. This Act may be cited as the "Crown Lands (Appeal Court Reconstitution) Act, 1919."

It shall commence and come into force on the first day of January, one thousand nine hundred and twenty, and shall be read and construed with the Crown Lands Consolidation Act, 1913, hereinafter in this Act referred to as the Principal Act.

2. The members of the Land Appeal Court who are in office at the commencement of this Act are hereby retired from their respective offices, but shall respectively be eligible to be appointed commissioner under this Act.

3. All rules of the Land Appeal Court shall continue in force until amended or repealed and be applicable to such court as constituted by this Act: Provided that references in such rules to the president or acting president shall be read as references to the commissioner or acting commissioner appointed under this Act.

4. All pending appeals and references shall be heard and determined, and pending cases for the Supreme Court shall be stated, and proceedings pending at the commencement of this Act shall be carried on and completed by the Land Appeal Court as constituted by this Act.

5. Section twenty-one of the Principal Act is repealed and the following is inserted in lieu thereof:—

21. (1) There shall be a Land Appeal Court, which shall be a court of record, and have an official seal.

The said court shall consist of one commissioner who shall be appointed by the Governor.

In the absence of the commissioner through illness or other sufficient reason, the Governor may appoint any person to act temporarily as commissioner. Such person is hereinafter referred to as the acting commissioner. While so acting such person shall have and exercise all the powers and authorities of the court.

(2) It shall be lawful for the Governor to remove the commissioner for inability or misbehaviour, provided that fourteen days at least before his removal he shall have notice of the intention to remove him, and he shall thereafter and before such removal have the opportunity of being heard before the Governor and the Executive Council in his defence. (3)

(3) There shall be paid to the commissioner the annual salary of one thousand five hundred pounds per annum. Such salary is hereby charged on the Consolidated Revenue Fund, which, to that extent, is hereby permanently appropriated.

6. Section twenty-two of the Principal Act is amended as follows:—

(a) Subsection one is repealed, and the following inserted in lieu thereof:—

(1) If the commissioner sits or acts in any case in which he is or has been directly or indirectly interested he shall be liable to a penalty not exceeding *five hundred* pounds.

(b) In subsection eight: Omit the words "The president or in his absence any member of the Land Appeal Court," and substitute the words "The commissioner or acting commissioner."

(c) In subsection twelve omit "president or acting president of the Land Appeal Court," insert "commissioner or acting commissioner."

(d) In subsection thirteen omit "president, acting president" insert "commissioner, acting commissioner."

7. In the Fifth Schedule to the Principal Act omit "president" insert "commissioner," and omit "acting president" insert "acting commissioner."
