

228

No. , 1911.

A BILL

To amend the Prickly Pear Destruction Act, 1901, and
the Crown Lands Acts.

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 "Prickly Pear Eradication Act, 1911."

2. In this Act, the expression "Principal Act" means the Prickly Pear Destruction Act, 1901.

3. In section three of the Principal Act, in the interpretation of "eradicate" add the words "or in any manner which the Minister may deem sufficient in the circumstances" next after the word "thereof." Also, in same section, after the interpretation of "inspector" the following are inserted:—

"Local land board" means the local land board (as constituted under the Crown Lands Acts) of the land district (as established under those Acts) in which the lands in question are situated.

Prickly Pear Eradication.

“Minister” means the Minister for Lands or other Minister charged with the administration of this Act or any part thereof.

4. The following proviso is substituted for the proviso in section eight of the Principal Act:—

Provided that, notwithstanding anything to the contrary in the Crown Lands Acts, the Minister, without withdrawing any such land from annual lease or occupation license, may—

- (a) sell such land by public auction at such place as he may deem most convenient for the purpose, after notification in the Government Gazette not less than one month before the day of sale, in areas not exceeding six hundred and forty acres, and at such upset price, and subject to the condition of eradicating prickly pear, and to such other conditions and penalties as shall be recommended by the local land board; or
- (b) lease such land by auction or tender, or upon application made in the prescribed form, in such areas not exceeding six hundred and forty acres, and for any term not exceeding fifty years upon condition that the lessee shall eradicate such prickly pear, and at such rent and subject to such other conditions (which may include tenant-right as defined in section fifty-one of the Crown Lands Act of 1895 in improvements effected in terms of the lease) as shall be recommended by the local land board, and also subject to such penalties as may be prescribed by regulation in that behalf. Any such lease shall be transferable in the prescribed form and on payment of the prescribed fees upon the Minister's consent being obtained to the transfer; and may
- (c) declare any such lease forfeited, such forfeiture to take effect thirty clear days after notice thereof in the Government Gazette, if any rent be not paid within the prescribed period, or upon breach of any conditions annexed to such lease, and thereupon the lessee's occupation of the land shall cease and any improvements thereon shall become the property of the Crown, but no forfeiture shall operate to extinguish any debt to the Crown in respect of rent. Upon the forfeiture or expiration of any lease the land shall revert to any occupation license held under the Crown Lands Acts and the provisions of section thirty-two of the Crown Lands Act of 1889 are hereby made applicable thereto; or

(d)

- (d) on application as prescribed extend the term of any prickly-pear lease, whether granted under this or the Principal Act, to a term not exceeding fifty years on such conditions as may be recommended by the local land board, such term to be computed from the commencement of such lease.

5. Any report, recommendation, or decision of a local land board under the Principal Act or this Act shall be subject to an appeal or reference to the land appeal court in the manner prescribed by the Crown Lands Act of 1884, or any Act amending the same, or any regulation made thereunder. The decision of the said court shall be final.

6. Where any Crown land, whether held under annual lease or occupation license or not, adjoins, is adjacent to, or is within the external boundaries of any prickly pear lease, and the holder of a prickly pear lease desires that such land or part thereof be added to his lease, and the local land board reports that, in its opinion, the land desired to be so added should not be otherwise disposed of, the Minister may by notice in the Gazette, and subject to such conditions as to him may seem fit, add such land to the prickly pear lease notwithstanding that the area added may or may not cause the total area included in the lease to exceed the maximum prescribed by law.

The local land board shall, in accordance with section six of the Crown Lands Act of 1889, appraise the rent to be paid for such added land and any improvements thereon, and may recommend conditions to be attached to the same.

7. In sections seven, nine, and ten of the Principal Act the words "or shire" are inserted next after the word "municipality" wherever occurring in those sections.

8. In section nine of the Principal Act the words "or water-courses" are inserted next after the word "streets" wherever occurring in the section.

9. In section thirteen of the Principal Act the words "within such time" are inserted next after the word "acts," and the words "or any person duly authorised by him" are inserted next after the word "Minister."

10. Wherever occurring in the Principal Act for the words "destruction," "destroy," or "destroyed" the words "eradication," "eradicate," or "eradicated," as the case may be, are substituted in lieu.

11. In section sixteen of the Principal Act the words "but such amount may, upon the authority of the Minister, be repaid out of Consolidated Revenue wholly or in part to such inspector or authorised person" are inserted next after the word "revenue."

12. The following is substituted for section twenty-seven of the Principal Act—

27. The Minister may make regulations for declaring how and in what manner prickly pear is to be eradicated, and also with respect to all other matters of detail necessary for carrying out the objects of this Act, and upon publication in the Gazette such regulations shall have the force of law.